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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,541	07/10/2003	Jonathan Blossom	OP-001	2815
7590	01/14/2008		EXAMINER	
Kent Suzuki 6722 Aitken Drive Oakland, CA 94611			RADA, ALEX P	
		ART UNIT	PAPER NUMBER	
		3714		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/616,541	BLOSSOM ET AL. <i>CT</i>	
	Examiner	Art Unit	
	Alex P. Rada	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 November 2007.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-25 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.
_____.
_____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In response to the Request for Continued Examination (RCE) filed November 2, 2007 wherein applicant amends claims 1, 3, 19 and claims 1-25 are pending in this application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Cogliano (US 6,074,212).

Regarding claims 1 and 19-20, Cogliano discloses a toy apparatus comprising: a first base (figure 1; wherein the first base is the head); a first module (figure 1; wherein the first module is shown after the head item 12); and a plurality of modules (figure 1; wherein a plurality of modules are shown), the first module and each of the plurality of modules having an identity (figure 1; wherein identity on the modules are shown), the base, the first module and plurality of modules having circuitry (figures 1-4; wherein the base and the plurality of modules all having some type of circuitry), wherein when the first module is directly attached to the first base, and an arbitrary number of the plurality of modules is indirectly attached to the first base through the first module, the circuitry determines an order and the identities of all attached modules (figure 1; wherein first module is directly attached to the first base and arbitrary number of modules is indirectly attached to the first base through the first module).

Regarding claim 2, Cogliano discloses the arbitrary number is greater than one (figure 1).

Regarding claim 3, Cogliano discloses wherein any module of the plurality of modules can be attached to: the first base, or one other module, or the first base and one other module, or two other modules (figure 1).

Regarding claim 4, Cogliano discloses wherein only one module can be directly attached to the first base at a time (figures 2-4).

Regarding claim 5, Cogliano discloses wherein more than one module can be directly attached to the first base at a time (figures 2-4).

3. Claims 1-9 and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Galyean et al. (US 6,290,565).

Regarding claims 1 and 19-20, Galyean discloses an apparatus comprising: a first base (figure 3; wherein the first base is shown); a first module (figure 3; wherein the first module is shown); and a plurality of modules (figure 3; wherein a plurality of modules are shown), the first module and each of the plurality of modules having an identity (figure 3; wherein identity on the modules are shown), the base, the first module and plurality of modules having circuitry (figures 1-5; wherein the base and the plurality of modules all having some type of circuitry), wherein when the first module is directly attached to the first base, and an arbitrary number of the plurality of modules is indirectly attached to the first base through the first module, the circuitry determines an order and the identities of all attached modules (figure 1; wherein first module is directly attached to the first base and arbitrary number of modules is indirectly attached to the first base through the first module shown).

Regarding claim 2, Galyean discloses the arbitrary number is greater than one (figure 1).

Regarding claim 3, Galyean discloses wherein any module of the plurality of modules can be attached to: the first base, or one other module, or the first base and one other module, or two other modules (figure 1).

Regarding claim 4, Galyean discloses wherein only one module can be directly attached to the first base at a time (figures 2-4).

Regarding claim 5, Galyean discloses wherein more than one module can be directly attached to the first base at a time (figures 2-4).

Regarding claim 6, Galyean discloses wherein the identity of each module is stored within that module (col. 7, lines 16-19; wherein the identity of the modules is capable of being incorporated into a special identification chip).

Regarding claims 7 and 21, Galyean discloses the identity of at least one module is stored by analog means (figures 1-5)

Regarding claims 8 and 22, Galyean discloses the analog means of storing the identity of at least one module comprises a resistor (figures 1-5).

Regarding claims 9 and 23, Galyean discloses wherein the identity of at least one module is stored by digital means (col. 7, lines 16-19; wherein the identity of the modules is capable of being incorporated into a special identification chip).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10-18 and 24-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Galyean et al. (US 6,290,565) in view of Lee et al. (US 4,968,255).

Galyean discloses the claimed invention as discussed above but is silent in regards to claim 10, the digital means of storing the identity of at least one module comprises jumpers or switches; claim 11, the digital means of storing the identity of at least one module comprises a memory device; claim 12, the identity of at least one module corresponds to a letter; claim 13, the identity of at least one module corresponds to a number; claim 14, the identity of at least one module corresponds to an image; claim 15, the identity of at least one module corresponds to a word; claim 16, the identity of at least one module corresponds to a color; claim 17, the identity of at least one module corresponds to a sound; and claim 18, the identity of at least one module corresponds to a musical tone.

Regarding claims 10-11 and 24-25, Lee teaches the digital means of storing the identity of at least one module comprises jumpers or switches (col. 3, lines 42-56); and wherein the digital means for storing the identity of at least one module comprises a memory device (col. 6, lines 56-60).

Regarding claim 12, the identity of at least one module corresponds to a letter (col. 5, lines 19-48).

Regarding claim 13, the identity of at least one module corresponds to a number (col. 6, lines 14-35).

Regarding claim 14, the identity of at least one module corresponds to an image (col. 7, lines 11-15).

Regarding claim 15, the identity of at least one module corresponds to a word (col. 4, lines 21-28).

Regarding claim 16, the identity of at least one module corresponds to a color (abstract).

Regarding claim 17, the identity of at least one module corresponds to a sound (col. 7, lines 11-15).

Regarding claim 18, the identity of at least one module corresponds to a musical tone (col. 7, lines 3-7).

By having different types of analog or digital storage device within a particular object, one of ordinary skill in the art would provide an educational toy device that would appeal to pre-school age children learning basic and fundamental skill such as numbers and letter.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Cogliano to include the elements noted above as taught by Lee to provide an educational toy device that would appeal to pre-school age children learning basic and fundamental skill such as numbers and letter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Robert E. Pezzuto
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